

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
(EASTERN DIVISION)

JAY R. VOGT,)	
)	
Plaintiff,)	
)	
vs.)	No. 15-_____
)	
DONALD R. BASSMAN, M.D. and DONALD R.)	
BASSMAN, M.D., LLC,)	
)	
Defendants.)	

COMPLAINT

COUNT I
MEDICAL MALPRACTICE/NEGLIGENCE

Now comes the Plaintiff, JAY R. VOGT, by his attorneys, STRELLIS & FIELD, CHARTERED, and for his cause of action against the Defendant, DONALD R. BASSMAN, M.D., states as follows:

1. The plaintiff is a citizen and resident of Monroe County, Illinois in the Southern District of Illinois.
2. Jurisdiction of this Court is invoked pursuant to Title 28 United States Code, Section 1332(a). The matter in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00).
3. At times pertinent hereto, the defendant, Donald R. Bassman, M.D., was a licensed physician engaged in the practice of his profession in the County of St. Louis, in the Eastern District of Missouri.
4. That on or about November 11, 2013 and thereafter, plaintiff had been under the continuous care and supervision of defendant, Donald R. Bassman, M.D., for treatment of degenerative joint disease of the right knee.

5. That on November 11, 2013, while the plaintiff was under the care of the defendant, Donald R. Bassman, M.D., Defendant performed a total knee replacement of the right knee upon plaintiff in which the symptoms increased in severity as follows:

- (a) Increased pain in the right knee and right hip;
- (b) Infection in right knee ensued following right total knee replacement; and
- (c) Total knee replacement of the right knee caused the right leg to be longer causing plaintiff to become unbalanced and pain in his right hip;

6. At times pertinent hereto, the defendant, Donald R. Bassman, M.D., had a duty to provide the plaintiff, Jay R. Vogt, with proper and adequate care within the standard of care generally accepted in the field of medicine.

7. While in the care as stated above, the defendant, Donald R. Bassman, M.D., was in violation of his duty to the plaintiff and negligently performed one or more of the following acts:

- a. Negligently and carelessly failed to properly place the knee implant during the aforesaid surgery;
- b. Negligently and carelessly failed to properly treat infection that ensued following the aforesaid surgery;
- c. Negligently and carelessly failed to take appropriate measures to prevent infection; and,
- d. Negligently and carelessly failed to perform further treatment and diagnostic studies to prevent further damage to the knee.

8. As a proximate result of one or more of the aforesaid stated negligent act(s) or omission(s) of the Defendant, Donald R. Bassman, M.D., Plaintiff, Jay R. Vogt, has suffered, is suffering, and will suffer severe and permanent disability, injuries, and medical expenses.

WHEREFORE, plaintiff, Jay R. Vogt, demands judgment against the defendant, Donald R. Bassman, M.D., in an amount One Million Dollars (\$1,000,000.00), plus costs of suit.

COUNT II
MEDICAL MALPRACTICE/NEGLIGENCE

Now comes the Plaintiff, JAY R. VOGT, by his attorneys, STRELLIS & FIELD, CHARTERED, and for his cause of action against the Defendant, DONALD R. BASSMAN, M.D., LLC., states as follows:

1. The plaintiff is a citizen and resident of Monroe County, Illinois in the Southern District of Illinois.

2. Jurisdiction of this Court is invoked pursuant to Title 28 United States Code, Section 1332(a). The matter in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00).

3. At times pertinent hereto, the defendant, Donald R. Bassman, M.D., LLC, was a limited liability company engaged in the practice of medicine in the County of St. Louis, in the Eastern District of Missouri.

4. That on or about November 11, 2013 and thereafter, plaintiff had been under the continuous care and supervision of defendant, Donald R. Bassman, M.D., LLC, through its authorized and apparent agents and/or employees, for treatment of degenerative joint disease of the right knee.

5. That on November 11, 2013, while the plaintiff was under the care of the defendant, Donald R. Bassman, M.D., LLC, through its authorized and apparent agents and/or employees, Defendant performed a total knee replacement of the right knee upon plaintiff in which the symptoms increased in severity as follows:

- (a) Increased pain in the right knee and right hip;
- (b) Infection in right knee ensued following right total knee replacement; and

(c) Total knee replacement of the right knee caused the right leg to be longer causing plaintiff to become unbalanced and pain in his right hip;

6. At times pertinent hereto, the defendant, Donald R. Bassman, M.D., LLC, through its authorized and apparent agents and/or employees, had a duty to provide the plaintiff, Jay R. Vogt, with proper and adequate care within the standard of care generally accepted in the field of medicine.

7. While in the care as stated above, the defendant, Donald R. Bassman, M.D., LLC, through its authorized and apparent agents and/or employees, was in violation of his duty to the plaintiff and negligently performed one or more of the following acts:

a. Negligently and carelessly failed to properly place the knee implant during the aforesaid surgery;

b. Negligently and carelessly failed to properly treat infection that ensued following the aforesaid surgery;

c. Negligently and carelessly failed to take appropriate measures to prevent infection; and,

d. Negligently and carelessly failed to perform further treatment and diagnostic studies to prevent further damage to the knee.

8. As a proximate result of one or more of the aforesaid stated negligent act(s) or omission(s) of the Defendant, Donald R. Bassman, M.D., LLC, through its authorized and apparent agents and/or employees, Plaintiff, Jay R. Vogt, has suffered, is suffering, and will suffer severe and permanent disability, injuries, and medical expenses.

WHEREFORE, plaintiff, Jay R. Vogt, demands judgment against the defendant, Donald R. Bassman, M.D., LLC, through its authorized and apparent agents and/or employees, in an amount One Million Dollars (\$1,000,000.00), plus costs of suit.

STRELLIS & FIELD, CHARTERED,

BY /s/Jack A. Strellis
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ATTORNEYS FOR PLAINTIFF

PLAINTIFF DEMANDS
TRIAL BY JURY